

Confirmation No. 8828

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	SPINDLER <i>et al.</i>	Examiner:	Garcia, Santiago
Serial No.:	10/583,077	Group Art Unit:	2611
Filed:	June 15, 2006	Docket No.:	AT030072US1 (NXPS.625PA)

Title: SYNCHRONIZATION DURING ANTI-COLLISION

PETITION UNDER 37 C.F.R. § 1.181(a)
TO WITHDRAW FINALITY OF OFFICE ACTION

Mail Stop Petition
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Customer No. 65913

Dear Sir:

Petitioner submits that the final Office Action dated November 3, 2010 improperly presents new grounds of rejection. Under M.P.E.P. §706.07(a), an Office Action is not properly made final if new grounds are presented, and under *Hyatt v. Dudas*, a ground of rejection is not simply the statutory requirement the claims are rejected under, such as § 102, but also the precise reason why the claim is asserted to fail the requirement. 551 F.3d 1307, 1312 (Fed. Cir. 2008) (“a ‘ground of rejection’ for purposes of Rule 1.192(c)(7) is not merely the statutory requirement for patentability that a claim fails to meet but also the precise reason why the claim fails that requirement.”). Specifically, the current Office Action presents, for the first time, assertions by the Examiner that the interrogation signal 20 of the ‘099 reference corresponds to the claimed confirm command and that the ‘099 reference also teaches a different integration signal including a short repeat message that corresponds to the claimed repeat command not containing synchronization information. Applicant has not had an adequate opportunity to consider, address and/or rebut these assertions. Accordingly, the finality of the current Office Action is improper and should be withdrawn.

10/583,077

Only if necessary, authorization is given to charge/credit Deposit Account 50-4019 (AT030072US1) any requisite LARGE-ENTITY fees/overage to enter this petition.

Entry of this Petition, and a favorable reply are respectfully requested.

Please direct all correspondence to:

Corporate Patent Counsel
NXP Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131

CUSTOMER NO. 65913

By: 

Robert J. Crawford
Reg. No.: 32,122
651-686-6633
(NXPS.625PA)